

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

November 10, 2004

The meeting was called to order at 4:05p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Paul Nixon, Brent Fuller, Jack Matheson, Mario Cisneros,
Karen Lang, and Terri Mills

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Kevin Hooper, Steve Pastorik, Ron Weibel, Craig Thomas, and Lori
Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Joseph Moore, CED Director
Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 37 people were in the audience.

GENERAL PLAN CHANGE APPLICATION:

General Plan Amendment

GP-3-2004

West Valley City Center Vision

Mr. Joseph Moore presented the application.

Over the past year, a process to further define a City Center for West Valley has been a priority. Previous planning documents have suggested that the City create a City Center but none of those efforts brought together the essential elements necessary to fully envision what this Center could be. The City Center Vision expands on the general goal of creating a City Center and becomes a sufficiently defined statement so that implementation can occur.

The vision statement, as reflected on the first page of the document, suggests a mixing of uses with increased intensity, creating a sense of place and a sense of arrival into the area. Capitalizing on transit opportunities (LRT, BRT, expanded bus, bikes and pedestrians) anticipated for the City Center, is an important principle woven throughout the document. The area is approximately 150 acres and covers the Mall to 3800 South and the Market Street/Lehman Avenue area going west to about 3200 West. It is a diverse area that currently contains some areas of decline. An RDA has been established to help reverse trends and to implement this vision.

Since the RDA has preceded this planning study, we have received several phone calls confusing the two efforts. The intent of the City Center vision is to establish the future land use pattern for the area. The intent of the RDA is to move that vision toward reality by actually providing incentives to build in the area, using the principles found in the City Center Vision. The RDA boundaries are smaller than the area covered by the City Center Vision. Attached are maps that compare the boundaries of the 2 studies.

Through the hearings that have been held so far, there has not been a lot of disagreement about the potential for the area and the land uses proposed. The central issue has been how and when will the City actually move ahead to make this happen. Landowners are concerned that their property values may drop, if no action is taken relatively quickly. The fact that the RDA has been established suggests that the City is ready to move ahead. In addition, some funds have been made available through federal grants/pass through (CDBG, HOME) funds and are currently part of an acquisition plan for about 10 acres west of Market Street.

There are no zoning proposals as part of this initial effort. Staff is working on a City Center Zoning District that would promote the design guidelines and uses found in the City Center Vision. This should be forthcoming in the next few months.

The City Center Vision, after it is adopted, will become a sub-district in the City's General Plan, the Vision 2020 plan.

Applicant:

Brent Garlic

West Valley RDA

Concerned:

Susan Posi

2833 Lemay Ave.

Concerned:

Mike Brown

2727 West 3500 S.

Discussion: Ms. Susan Posi questioned why the map on the back of her notice was different than the one she received regarding the RDA application. Joseph Moore explained this application is for the City Center, not only the RDA location. He reminded the RDA application has already been approved by the City Council. Ms. Posi indicated she thought this was a good vision for the City. Mr. Mike Brown wanted to know the time frame for the City Center. Joseph Moore responded this is a policy document only, and a time frame has not been established. He explained if approved by the Planning Commission, it must then go to the City Council for approval. Mr. Brown requested and received a copy of the City Center vision and goals document. He informed the Commission that he has discussed this plan with Brent Garlic of West Valley, and wanted to know the long range plans for his land and building. He was concerned that his property was left out of the RDA area. Joseph Moore acknowledged Mr. Brown's property was not part of the RDA area, but assured this document would affect the future plans for Mr. Brown's land. Mr. Brent Garlic explained the plan has significant changes for Mr. Brown's business, not only to fix-up the corner, but also to completely overhaul the entire corner. He said it is difficult to say exactly what and when changes may be made, as the process is just starting. Mr. Brown requested a meeting with City officials, business owners from that area, including property owners like Frank Voyer, and owners of the adjacent medical offices. He believes these older buildings should have been included in the RDA projects. Mr. Brent Garlic indicated he would obtain Mr. Brown's telephone number to discuss these issues in more detail. Commissioner Matheson did not think skateboarding or basketball was appropriate for the City Center location. Joseph Moore commented other cities have recreational areas, creating many activities, bringing people in to join or watch. He said these are only examples of what could be added to the City Center.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval to change the General Plan to provide for a mixing of uses as described in the City Center Vision.

Seconded by Commissioner Lang

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Unanimous – GP-3-2004 - approved

GENERAL PLAN/ZONE CHANGE APPLICATIONS:

GPZ-4-2004

5400 South 5600 West (northwest corner)

West Valley City

Change from: Light Manufacturing, Office, General Commercial, Recreation, Mix

Change to: Low Density Residential north of Westridge Road, and Medium Density Residential/ General Commercial/mixed land uses south of Westridge Road

Zone change from “M” to a combination of R-1-8, R-1-6, C-2

74 Acres

Mr. Joseph Moore presented the application.

The City will be declaring several properties surplus over the next few months, including this corner. These properties have been zoned for manufacturing type uses since the late 1980s, but are mostly vacant. Currently there are 2 uses, namely, a Maverick Store on the corner and Silver Hills elementary school on the interior of the site with a pedestrian overpass to access the site for students. Westridge Road provides access to the golf course and certain businesses located to the west. The golf course abuts the property on the north and west. The USANA Amphitheater is located over one quarter mile to the west of the area’s western boundary.

The fact that the property will be placed for sale by the City has led to a review of its land use potential. Obviously, the Manufacturing zone is in question here since there has been no development, other than the Maverick, over the past 15 years. Over the last year, the area has been studied extensively as part of the Mountain View Transportation Corridor (MVTC). Decisions have been made that the future highway will not be located at this intersection but there appears to be a strong suggestion of a “transit-way” in the 5600 West corridor. To help reinforce the potential for public transit, the MVTC study has suggested a series of town centers and villages along the road. This intersection was selected as one of the town center opportunities. The current plan would not accommodate the idea of introducing higher density residential. In evaluating issues related to residential use, noise from USANA, the busy roads, and the Overpressure Zone are relevant.

USANA is an intermittent noise source that bothers some people but not everyone. Efforts are underway to reduce noise impacts from the amphitheater and better windows similar to what is required in the Overpressure Zone can reduce interior sound levels. The busy roads will get busier as time progresses but are all programmed to be much larger, at least 106' wide roads at some point in the future. Most likely there will be an interchange for the MVTC just west of 6400 West on 5400 South. The noise and congestion suggest that more flexible zoning techniques may be warranted to deal effectively with those issues. The Overpressure Zone allows residential use, as long as appropriate windows are installed. Residential use next to a golf course is generally considered a strong attractive amenity to home development.

Residential use around a school is always considered a better land use than manufacturing.

Since the neighbors to the east and south are essentially residential uses, it is suggested that the area transition from the manufacturing to residential use and allow for the possibility of commercial on the corner or some sort of mixed use project. In addition, the longer term MVTC plan suggests the town center/village potential.

In terms of zoning the area, the goal of creating a mixed use, “lifestyle” center is not easily achieved in our existing ordinances. The mixed use (MXD) zone should not be established by the City unless we anticipate developing it. The way the MXD zone is fashioned is to rely on an extensive rezone process to including site and building plans and a development agreement with the developer(s) of the property. Therefore, zoning south Westridge Road is suggested to be the R-1-6 zone and C-2, which should allow some flexibility in terms of density and use through the use of a PUD leading up to a potential MXD zone by a future developer. Included in that flexibility is the possibility of a developer simply using the proposed zones which means that the commercial zone

would be buffered by the R-1-6.

The owner of the property on the corner is interested in developing some sort of mixed use project over the next few years.

The R-1-8 zone allows for the creation of lots in the 8 to 10,000 square foot range. Design will play an important role as well as housing quality in the developer selection process. It is the City's intent to control the development of all these properties via a development agreement that will emphasize quality. Lot size is only one component to assure quality development.

Concerned:

Craig Cox

4466 Early Duke Street

Concerned:

Troy Jensen

5242 W. Hamlet Circle

Discussion: Commissioner Nixon discussed the differences between staff's two alternatives for approval. Mr. Craig Cox was concerned the property would be zoned more than one zone, suggesting two zones would make the property more difficult to develop. Commissioner Mills stated the proposed 'R-1-6' zone seemed too dense, and questioned why the property was being rezoned at this time. She asked if businesses have been actively marketed for this property. Commissioner Lang believes 'R-1-8' and R-1-6' zones are too dense, and suggested the property be zoned 'R-1-10' with commercial zoning along 5600 West to West Ridge Road. Commissioner Matheson reminded the City could require higher quality homes in 'R-1-6' and 'R-1-8' zones, and thought the property should be rezoned. Commissioner Lang was concerned a developer may request a PUD for this area. Mr. Cox indicated this area could make a good walkable community, mentioning what was proposed by staff would work. He said he lives in this area, and 'R-1-6' is not a concern for him or his client. Commissioner Fuller asked if he is disturbed by noise from the USANA Amphitheater. Mr. Cox replied noise from the amphitheater is not an issue, but the traffic from USANA is a problem at times. Commissioner Nixon suggested mixed use for the property, with the assurance that quality homes would be built. Nicole assured the City has complete control of the property, and any requirements will stay with the property. She said a document listing the requirements, within the City's ordinance, could be reviewed and approved by the Planning Commission. Commissioner Nixon asked about the point system, and Nicole replied the City does not need to use the point system. She explained the point system is used for minimum standards, and there are no maximum standards for the point system. Commissioner Matheson perceived commercial would be a good buffer next to 5600 West between residential. Commissioner Mills discussed where mixed use and residential should be located. John Janson reminded there are large commercial centers near this area, and indicated a mixture of zoning is what staff is requesting. Commissioner Nixon commented it might be difficult to sell homes on a busy road. John

Janson noted good housing materials could alleviate noise from the road. Joseph Moore mentioned Hunter Village developed a good way of protecting traffic and schools. He stated if commercial were placed on 5600 West, it would separate the school from the residents. Commissioner Fuller discussed the plans for mass transit along 5600 West with it's planned higher intensity nodes. He asked if larger homes on this property contradict the plans for mass transit. John Janson replied mixed use works better for mass transit. Commissioner Lang perceived this application is premature, with too many possibilities for change. She suggested waiting for the zone change until the property is sold, and she did not think 'R-1-6' was appropriate for the corner property. John Janson urged the Commission to consider staff's recommendations so that this application could be heard by the City Council next month. He explained the City would like to sell the property to help the City's budget. Mr. Troy Jensen owns property across the street from this area. He requested the entire area be zoned for large, back facing, residential lots. Mr. Jensen wants a supported community built around the existing school.

Chairman Woodruff closed the hearing to public input at 5:07 p.m.

Commissioner Nixon did not believe expensive homes should be built on 5600 West. Commissioner Matheson asked if expensive homes should be built behind commercial developments. He reminded homes could be back facing on the busy roads. Chairman Woodruff indicated the City has placed safeguards for the quality of the homes, and feels comfortable with staff's alternative #2.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for approval of the General Plan and zone changes to establish more compatible uses around the golf course, the school, and with residential uses to the east and south. The R-1-8 zone shall contain at least 50% of the lots in the 10,000 square foot or larger range. If the R-1-6 zone is developed into individual lots, at least 50% of those lots shall be 8,000 square foot or larger. All single-family homes in the area shall have higher exterior materials and square footage standards than found in the City's current ordinances. Also, corner lots adjoining West Ridge Road and 5600 West be commercial lots.

This motion was not seconded, and the motion failed.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the General Plan and zone changes to establish more compatible uses around the golf course, the school, and with residential uses to the east and south. The R-1-8 zone shall contain at least 50% of the lots in the 10,000 square foot or larger range. If the R-1-6 zone is developed into individual lots, at least 50% of those lots shall be 8,000 square foot or larger. All single-family homes in the area shall have higher exterior materials and square footage standards than found in the City's current ordinances. The commercial zone should be as shown on the map prepared by staff, which includes 10-acres.

Seconded by Commissioner Fuller.

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	No
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Nixon	No
Chairman Woodruff	Yes

Majority – GPZ-4-2004 - approved

GPZ-5-2004

Home Center Construction and Development

5777 West 6200 South

General Plan change from General Commercial or Mixed Use to Medium Density

Residential

Zone change from C-2 to RM

18.2 Acres

Mr. Steve Pastorik presented the application.

Mr. Steve Glezos with Home Center Construction and Development is requesting a change to the General Plan from general commercial or mixed use to medium density residential on an 18.2 acre parcel located at approximately 5777 West 6200 South. Mr. Glezos is also requesting a rezone from C-2 (general commercial) to RM (residential, multi-family). If this application is approved, Mr. Glezos plans to sell the land to D.R. Horton to construct 172 (5 units less than what was presented during the study session)

townhomes. A copy of the latest concept plan is attached. Such a development would require a conditional use permit.

Surrounding zoning includes R-1-7 to the north in Kearns, R-1-8 to the west, RM to the south and C-2 on the east. Adjacent uses include single-family homes to the north, a power line and gas corridor to the west (Diamond Summit, a single family development, is west of the power line and gas corridor), vacant property to the south and Wal-Mart and the associated pad site development to the east.

The attached letter from D.R. Horton presents their arguments for the General Plan/zone change approval.

Background

The current owner of the subject property is Wal-Mart. At the time Wal-Mart was going through the City's conditional use review process, one of the likely options of the Mountain View Transportation Corridor (MVTC) was right through the subject property. In fact, an interchange was being considered for this property. However, since that time, UDOT is no longer considering an alignment at this location. The latest alignment options this far south are at approximately 6400 West and 7200 West.

Now that the highway and associated interchange are not being considered on this property, Wal-Mart is now trying to sell the land. Through conversations with the applicant, staff understands other reasons Wal-Mart is trying to sell the land to be:

- 6200 South currently comes to a dead-end at the west end of Diamond Summit.
- Over 12 acres of C-2 land, owned by UDOT, exists between the northwest and northeast corners of 6200 South and 5600 West.
- Approximately 30 acres of C-2 land, owned by Property Reserve, Inc., exists directly south of Wal-Mart.
- Wal-Mart has been unsuccessful in its attempts to market the property as commercial.
- A 40' to 60' grade change exists between the Wal-Mart store and the subject property. This grade change makes it difficult to integrate the two properties into a larger commercial center.

Issues

Transfer of Development Rights (TDR)

As a reminder, the TDR Ordinance was adopted to provide a tool for preserving open space in the City. Basically, the ordinance allows density to be transferred from one area of the City that we are trying to preserve (sending site) to another location that is better suited for development (receiving site).

Property within West Valley City that is west of 4800 West falls within the TDR Overlay Zone. The TDR ordinance states: "If any development with the TDR overlay requests a density greater than 3.5 units per acre, the increased density shall be realized through development credits." The ordinance also states, "Areas zoned for densities greater than 3.5 units per acre at the time of the passage of this Ordinance may develop at that density without purchasing development credits.

In this situation, the current zoning is C-2 (general commercial), which does not allow residential use. Hence, the base density for TDR purposes is 3.5 units per acre. With a proposed density of 9.5 units per acre (172 units/18.2 acres), the ordinance requires 6 credits per acre or 109 total credits (18.2 acres x 6 credits/acre). The City has been willing to negotiate the number of credits if the project exceeds the development standards, which are covered later in this analysis, found in the TDR ordinance.

Having to acquire 109 credits makes the proposed project very difficult if not impossible to accomplish unless the price of the land is such that the developer can purchase the ground and the credits, develop the property and still make a profit.

So far the TDR transactions made in the City have been limited to single-family developments. The formulas in the ordinance used to determine the number of credits needed for purchase on a receiving site as well as the number of credits available on a sending site have worked for single-family developments. However, it seems the ordinance may make multi-family projects more difficult to achieve. Also, the City has seen several proposals or inquiries to convert land zoned for commercial or industrial use to residential use, which was not anticipated when the ordinance was drafted.

Staff has begun to draft revisions to the TDR ordinance to address the issue of multi-family development as well as rezones from commercial or industrial to residential. One possibility is to consider both the existing zone and the existing General Plan when determining the base density allowed without TDR participation.

Attached to this analysis is a memo from Bill Peperone addressing the TDR issue. Essentially, it states that although D.R. Horton should be able to meet the design standards in the ordinance, the purchase of development credits, given the commercial price of the land, would make the project infeasible. They believe that since this application is a downzone (moving from a high intensity use to a less intense use), the TDR ordinance should not apply. Staff can find no exception for downzones in the adopted TDR ordinance. Hence, staff believes that the TDR ordinance, as currently adopted, should apply unless a revision to the ordinance is made.

Development Standards

Developments that utilize development credits as part of the TDR ordinance are required to meet the development standards found in that ordinance. Below are the standards that would apply to this proposal:

Development with over five units per acre shall incorporate a minimum of 50 percent of each structure as brick/brick veneer and the remainder shall be constructed with masonry, stucco, or stone. Roof materials shall be constructed of architectural shingles that simulate the depth of wood shingles or may be constructed of tile or other materials approved by the Planning Commission.

Development with over eight units per acre shall incorporate at least ten of the following criteria:

- (i) 35 foot plus setback;
- (ii) additional buffering (architecturally interesting walls, intense landscaping, greater setbacks, compatible building heights/mass, etc.) to adjacent uses;
- (iii) subdivision entrance feature;
- (iv) specialty/pedestrian scale lighting along sidewalks, streets, and trails;
- (v) distinct project identity demonstrated through architectural style and landscape excellence;
- (vi) linked activity areas;
- (vii) interior trails and exterior trail connections;
- (viii) entrance identification features;
- (ix) three or more housing types for every 100 units; having varied architecture with a central, somewhat consistent theme;
- (x) a minimum of one 2-inch caliper tree per unit;
- (xi) specialty/pedestrian lighting;
- (xii) deeded ownership for at least 50 percent of the units;
- (xiii) effective parking lot landscaping including landscaped islands and/or projections;
- (xiv) gated community with 24-hour security;
- (xv) two car garages;
- (xvi) "smart" home technology.

Development with over five units per acre, and less than ten units per acre, shall provide at least 20 percent of the gross project site as landscaped open space.

The above-listed requirements may be superseded by a development agreement incorporating other appropriate criteria as determined by the City.

Concerns were expressed during the study session concerning the lack of variety in the product proposed. To address this issue, Bill Peperone with D.R. Horton stated that they

are now proposing 64 traditional townhomes in a four-plex design along with 108 six-plex townhomes as reviewed in the study session. Mr. Peperone has stated that D.R. Horton is also willing to offer elevation changes to provide further architectural variety.

Elevation Change

As mentioned earlier, a 40' to 60' elevation change exists between the Wal-Mart store and the subject property. The distance between the Wal-Mart store and the top of the hill is approximately 200'. Hence a significant buffer between Wal-Mart and any future development on the subject property already exists.

6200 South

During the study session, a concern was raised about the widening of 6200 South. Staff found the status of 6200 South to be the following:

- 5600 West to Airport Road (approximately 4600 West): 2 lanes in both directions with a median turn lane
- Airport Road to 4000 West: 2 lanes east bound and one lane west bound with a median turn lane. The eastbound lanes are in West Jordan and the westbound lane is in the County.
- 4000 West to 2700 West: 2 lanes in both directions with a median turn lane

Parks

No public parks exist near the subject property. A letter from a Diamond Summit resident concerned about the lack of open space in her neighborhood is attached. Staff agrees that there certainly is a need for a park in the area.

The General Plan calls for a district park at the general location of 6200 South 6300 West. A district park is described in the General Plan as a park with between 5 to 25 acres with a service area of 1.5 miles.

Salt Lake County owns 14.6 acres about 500' north of 6200 South at approximately 6200 West. The City has approached the County in the past about developing this property as a park. Up until recently, the development of this property for a park seemed to be a low priority for the County. Within the last week, the Parks Department has once again contacted the County concerning the development of the 14.6 acres as a joint venture. It appears that the County may now be interested in working with the City.

Another park possibility would be to include public park space within the subject property. This would need to be negotiated with the applicant as part of a conditional use review.

Land Use

Many single-family neighborhoods in the City are buffered from commercial uses by multi-family development. However, this is not always the case. For example, the Shopko on 3500 South and the Western Garden Center on 4100 South are both adjacent to single-family development. As mentioned above, this property is already buffered from the Wal-Mart by a large grade change and setback.

Applicant:

**Bill Peperone
D.R. Horton
11075 S. State**

Opposed:

**Heather Tucker
6305 Wakefield**

Opposed:

**David Brand
6503 S. Rogue Rvr.**

Opposed:

**Ruth Ann Lingwall
5979 Laurel Canyon**

Opposed:

**Sandra Resek
6305 Wakefield Wy**

Opposed:

**Darlene Bass
6293 S. 5885 W.**

Opposed:

**Kristi Lingwall
5974 Riverrock Pl**

Concerned:

**Eric Hutchings
Legislative Rep.**

Applicant:

**Steve Glezos
Home Center**

Opposed:

**Mathew Miller
6007 Mill Valley Ln.**

Discussion: Mr. Peperone believes the most important question to answer for this application is regarding land use. He reminded the Commission the General Plan for this property is commercial or mixed use. Mr. Peperone indicated this proposal would have less impact on surrounding areas than commercial would have. He perceived mixed use would be achieved by creating a walkway from this residential development onto the Wal-Mart site. Mr. Peperone noted the townhomes would be owner occupied, 9.4 units per acre with three-times the required open space, and over three parking spaces per unit. He mentioned resident's were concerned in the past regarding traffic, light, and sound from commercial development, but the proposed 172 townhomes would produce 1/10 the traffic of what a commercial development on 18 acres could produce. Mr. Peperone stated the units with backs facing Wal-Mart would have bay windows, enjoying the view available at this site. Chairman Woodruff questioned if this qualified as mixed use with the 500-foot walking distance to commercial. Ms. Heather Tucker has lived at Diamond Summit for seven years. She received a letter from West Valley's former Mayor Wright, who promised a park would be developed in that area within five years. Ms. Tucker said there are too many homes in this area without a nearby park for their children. Steve Pastorik replied Salt Lake County owns 15-acres north of 6200 South that has been reserved for park space, but it has not yet been improved. He said our City's Parks Department is working with Salt Lake County on a joint effort to split the cost of the actual development for the park improvements. Steve mentioned other vacant parcels, such as property currently owned by Alliant Tech that could be developed. He did not

have a time frame for these improvements. Ms. Tucker explained she had been told this same information about possible park locations two years ago, but nothing has changed. Chairman Woodruff asked if the City's Parks Department has funds for a park in this area. Steve noted impact fees from future developments near Diamond Summit should create enough fees for a park. Mr. David Brand asked if a park would be developed in this proposed development. He mentioned residents use the power corridor as a park, but it is slowly turning into a dumping area. He requested this area be improved. Steve Pastorik acknowledged Salt Lake County was successful in beautifying the power corridor where Hunter Park is located. He stated West Valley has looked into a trail system along the power corridor, but did not know if that was successful. Mr. Brand asked how tall the townhomes would be, and was told two-stories. Ms. Ruth Ann Lingwall asked if the future park mentioned by Steve Pastorik would have public restrooms. Steve replied a park of the large size he described would have public facilities. Ms. Lingwall was concerned about high density, as there are already many low-income homes in this area. She reminded the Commission that West Valley's Vision 2020 shows the Westridge District as a low density, high quality, equestrian area. Ms. Lingwall made suggestions for the property such as a city library, higher education facility, satellite college, community garden, fine restaurant, bookstore, fabric store, or medical building. She also suggested a large city park similar to Liberty or Memorial Park. Ms. Sandra Resek lives in Diamond Summit and she did not believe proper noticing was achieved. She perceived more citizens would have attended the public hearing, and asked how noticing is performed. Steve Pastorik reported on the City's policy for noticing, assuring the noticing was in compliance for this application. Ms. Resek asked what would be offered for the new residents in these proposed homes, as they won't have a library or park for their children. Ms. Darlene Bass lives in Diamond Summit and wanted to know if this development would affect her property value. She mentioned the view from her house will be buildings, but right now, they see Wal-Mart's lights. Ms. Bass asked where the children would play. Steve Pastorik responded he did not have information regarding property devaluation. Ms. Kristi Lingwall lives in Diamond Summit and was concerned about the proposed townhomes. She implied townhomes dilapidate quickly, and bring in more problems to a community. Ms. Lingwall thinks the area needs more open space, stating she pays taxes to West Valley City, and it should be West Valley's responsibility to place a park in the Diamond Summit area. Mr. Eric Hutchings is the Legislative Representative for this area. He asked if there is a master plan for reserved open spaces. He stated he lives in Kearns, where there is no open space left, and they are forced to find spots for mini-parks. Mr. Hutchings reminded that once a development is built, there is no going back. He inquired if there was a master plan that residents could look at for park space. Chairman Woodruff answered the City has a General Plan, but has no control over where schools or libraries are placed. Mr. Hutchings questioned if the Planning Commission could make recommendations for locations of libraries or schools. Chairman Woodruff replied the City Council makes those recommendations. Mr. Bill Peperone acknowledged open

space seems to be the largest concern of residents. He said D.R. Horton would look at and pursue on-site dedicated open space within their 18-acres to be made available to the surrounding residents. Another alternative would be to get permission from the power company to improve part of the power corridor, so it would function as open space. Mr. Peperone discussed the quality of housing proposed, noting a two-story clubhouse with a theater room would be built, as well as a pool, hot tub, and basketball court. He will look into setting aside some of the space in front of the development making it accessible to those who do not live in the townhomes. Chairman Woodruff asked how much the units would sell for, and was told they would start at \$140,000.00 to \$160,000.00. Mr. Peperone assured these units would be very similar to single-family homes, and should not devalue surrounding property. Chairman Woodruff inquired about the suggestions for businesses. Mr. Peperone replied Wal-Mart tried but had no luck, and if they could have sold the property to commercial, they would have. Commissioner Nixon was concerned the townhouse structures looked identical. Mr. Peperone told the Commission other features would be added, and there would be enough variety to resolve any concerns regarding the building's appearance. Commissioner Fuller asked what the applicant would be willing to do for open space or a park area. Mr. Peperone answered D.R. Horton would be willing to take two to four acres on-site to be designated for open space, including improving and landscaping. This would be a dedicated park space that would need to be accepted by the City, as the homeowners association would not want to maintain public open space. Mr. Peperone further indicated another option would be to landscape and improve two to four acres in the power corridor area. He stated he would talk to the residents to determine which alternative would work best for them. Commissioner Nixon asked Nicole Cottle if this was something the City could do. Nicole replied this was a policy decision rather than a legal decision. It would be a decision the City's Park's Department would have to make. She explained it is legally possible, but is a policy decision. Mr. Steve Glezos of Home Center Construction said he was trying to eliminate some of the commercial use in this area. He explained he has no control over the lack of open space in the Diamond Summit subdivision, but he would commit to a children's playground in accordance to the City's park standards, and would dedicate the park to the City. Mr. Glezos wants to take the commercial off of 6200 West and let it exist on 5600 West where the corridor is planned. He reminded there is 30 acres south of Wal-Mart that is zoned commercial and ready to be developed. Mr. Glezos suggested he is meeting all of the criteria, but will take it one step further to help residents regarding the park issues. Commissioner Fuller asked Mr. Glezos to explain the density of this project. Mr. Glezos replied this is medium density, not high density. He further indicated there would be no open space if single-family homes were developed on this property instead of townhomes. Mr. Glezos said there are 170 maximum units planned, but 200 homes could be placed on an 'R-1-4' zone. He stated 50% of the property is being set-aside for open space that they will be maintaining, at no cost to the City. In addition to this, they are still required to make the park contribution for the open space that everyone else will get to use. Mr. Glezos questioned the process, suggesting the zoning and site

plan should be one process. He said if this application were approved, they would still need to return for the site plan review process. Commissioner Nixon had questions regarding where the fence between Wal-Mart and this property is located. Mr. Peperone indicated the fence is at the bottom of the hill next to Wal-Mart, not located on the top of the hill. Mr. Mathew Miller lives at Diamond Summit and discussed the possibility having park property set aside that could be used by residents. Ms. Ruth Ann Lingwall questioned the density of this proposal, requesting low density or equal density to what is at Diamond Summit or the Hunter Village Subdivision. She asked why Wal-Mart purchased this property and developed it the way they wanted without considering the requests of neighboring residents. She would like the Planning Commission to take into consideration the needs of the area, and the previously outlined West Valley's Vision 2020 plans. Commissioner Nixon inquired of the price of homes in this area. Ms. Lingwall answered they are being sold at approximately \$172,000.00 to \$184,000.00. Commissioner Nixon replied the income bracket would be similar for purchasers of these new units, as with the existing residents. Ms. Lingwall commented that multi-family dwellings create lower income housing in the future.

Chairman Woodruff closed the hearing to public input at 6:10 p.m.

Commissioner Cisneros perceived multi-units would work for this area. Commissioner Lang had concerns that townhomes tend to create a large turnover, and reminded that West Valley has enough starter homes. She believes more storage is needed for families, and large homes so residents will stay for the long term. Commissioner Matheson discussed the process of TDR's, suggesting the Commission should approve the application if the applicant has met the ordinance. Steve Pastorik explained the Commission still has the choice to rezone the property. Commissioner Lang wondered if this zone change was appropriate for the area. Commissioner Fuller reminded the property is currently zoned as general commercial, and he did not think residents wanted commercial for this property. Commissioner Lang responded some commercial uses would benefit the nearby community, and more time should be allowed to research this option. She questioned the quality of the proposed units, noting excessive stairs and garages placed in the front of the units. Commissioner Nixon said the City has no control over the placement of schools or libraries. Commissioner Matheson was concerned a strip mall could be developed with questionable businesses. Steve Pastorik informed the units square footage would be approximately 1,100 to 1,700, and he was not sure if basements would be available.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Lang moved for denial, as an 'RM' zone is not appropriate for this area.

Seconded by Commissioner Mills

Additional discussion: Commissioner Mills did not believe medium density is needed as a buffer between Wal-Mart and the existing homes. She also did not think the first option is the only use for this property. Commissioner Fuller reminded that there may be other worse uses that could be proposed, where the Commission will have no control over. Chairman Woodruff could not imagine anyone wanting to place a commercial use here, tucking it up 6200 West. He did not believe this application included much density.

Roll call vote:

Commissioner Cisneros	No
Commissioner Fuller	No
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	No
Chairman Woodruff	No

Motion did not pass

Discussion: Commissioner Mills inquired about landscaping along the slope next to Wal-Mart, suggesting landscaping would enhance the property's marketability. Chairman Woodruff replied this was something Wal-Mart should have completed. Commissioner Lang stated if the property is rezoned, and D.R. Horton does not buy the property, there would be a possibility of a bad development on the land. She suggested continuing the application, allowing the applicant time to talk with homeowners regarding what could be done for their community. Commissioner Matheson reminded that the applicant has agreed to buy TDR's, which saves open space in West Valley. Steve Pastorik reminded the Commission that this application must come back to the Commission as a conditional use for review of quality and possible approval. He also indicated a development agreement could be created with the same requirements for quality for future developers. Commissioner Cisneros believes the applicant has addressed the Commission's concerns.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Lang moved for a continuance to allow the developer time to hold a neighborhood meeting, resulting in more notification and information for neighbors. She also requested park issues be addressed, including coordination with the City's Park's Department.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	No
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	No
Chairman Woodruff	No

Motion does not pass – Application GPZ-5-2004 automatically continued.

ZONE TEXT CHANGE APPLICATION:

ZT-12-2004

West Valley City

Amendment to Sections 7-6-503, 504, 505 & 506

Mr. Steve Pastorik presented the application.

Staff is recommending amendments to Sections 7-6-503, 504, 505 & 506 of the Zoning Ordinance. These sections deal with conditional uses, area regulations, width regulations and side yard regulations for the R-2-8 Zone. The proposed amendments are attached to this analysis.

The proposed change to Section 7-6-503 adds condominiums, planned unit developments (PUD's) and twin homes to the list of conditional uses for the R-2-8 Zone. Condominiums and/or PUD's are allowed in every other residential zone including R-1 Zones and the R-2-6.5 Zone. To be consistent, staff suggests that condos and PUD's be added to the R-2-8 Zone conditional use list. The addition of twin homes would add more

flexibility to the R-2-8 Zone. Since the R-2-8 Zone already lists two family dwellings or duplexes, it seems reasonable to allow twin homes as an alternative. By allowing twin homes, the two units and half the property could be owned separately.

The other three changes address lot size, lot width and sideyard setback requirements for twin homes. The change to Section 7-6-504 allows the minimum lot size for a twin home lot to be 4,000 square feet. The revision to Section 7-6-505 allows the minimum lot width for a twin home to be 40'. Finally, the change to Section 7-6-506 sets the minimum sideyard setback for each side of a twin home to 10'.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of this ordinance revision to be more consistent with other residential zones and to allow more flexibility.

Seconded by Commissioner Cisneros

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Unanimous – ZT-12-2004 - approved

ZONE CHANGE APPLICATION:

Z-12-2004
West Valley City
3641 South 3200 West
Zone Change from RM to RB
0.31 Acres

Mr. Steve Pastorik presented the application.

West Valley City staff is recommending a zone change for 0.31 acres of property located at 3641 South 3200 West. The parcel is currently zoned RM (residential, multi-family) and is developed as a day care. The General Plan land use classification for this parcel is medium density residential or office. The proposed zoning is RB (residential business) which, like the RM Zone, allows day cares as a conditional use.

Surrounding zones include RM to the north and east and R-1-8 to the south and west. Neighboring uses include single-family homes to the north and east, duplexes on the south and a church to the west.

Staff made this application at the request of the Planning Commission. The Commission was concerned that the property, under the RM Zone, could be converted or redeveloped into an apartment building when there is a new single-family development going in directly adjacent to the subject property. By rezoning the property to RB, an apartment building would no longer be allowed; however, the General Plan would still be followed and the current use could continue.

There being no discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for approval of the zone change to RB as this change conforms with the General Plan and will allow the current day care use to continue.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Unanimous – Z-12-2004 – approved

Commissioner Nixon requested a recess at 6:35 p.m.

The public hearing reconvened at 6:43 p.m.

Motion: Commissioner Nixon made a motion to hear application C-48-2004 at this time.

Seconded by Commissioner Cisneros

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority – C-48-2004 will be heard ahead of scheduled time

C-48-2004

Wal-Mart Superstore

3180 S. 5600 West

C-2 Zone – General Commercial

Mr. Steve Pastorik presented the application.

West Valley City's General Plan recommends general commercial land uses.

Introduction:

This conditional use amendment request is to allow temporary storage containers for the 2004 holiday season. In addition the amendment includes a 10,000 square foot addition to the existing building to accommodate future storage.

Issues:

- On November 12, 2003 the Planning Commission approved temporary storage for the 2003 holiday season with a requirement that an addition to the building or a

new separate building was to be completed for 2004. At this time Wal-Mart has not constructed the addition and is again asking for temporary storage for this holiday season.

- Attached is a letter from Don Schulties, District Manager and Scott Turdo, Store Manager for Wal-Mart indicating the reasons that they are requesting the temporary storage again this holiday season. This temporary container storage is used for customer lay-a-way that becomes a storage problem only during the holiday shopping season. The containers are usually removed the first week of January.
- The temporary storage containers are proposed to be located at the south side of the store where visibility restricted and excess parking is provided. Wal-Mart has indicated that this is the last year they will be asking for these temporary containers as an addition is planned for construction in 2005.
- Plans have been submitted for a 10,000 square foot addition to the rear (west) and side (south) sides of the existing building. Lynn Walker, the Wal-Mart architect has indicated that Wal-Mart has authorized construction of this addition. The Wal-Mart representatives indicated there is corporate approval and funding authorized for this addition. Consequently when this addition is completed there should not be a need for the temporary container storage.

Applicant:

**Don Schulhies, District Manager
3180 South 5600 West**

Discussion: Commissioner Mills suggested using the extra pad site for a tire center, and using the exiting tire center for the layaway location. Mr. Schulhies assured the proposed location for the expansion behind the existing building would be less expensive, and should take care of all their needs. He did not think having a separate building would be convenient for customers or help with the business flow. Commissioner Mills mentioned classes are held in isles which tie up the isles for customers who are not interested in the classes. Mr. Schulhies explained that from time to time, a class is held addressing women's health issues, but this is not done on a continuing basis. Commissioner Nixon had concerns regarding the location of the garden area when expanded into the parking lot. He also asked if the isles have been cleared of merchandise. Mr. Schulhies assured he would take care of these issues.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the conditional use request for a 10,000 square foot addition to the existing building. The temporary storage containers will be permitted until January 10, 2005. The temporary storage

containers shall be located along the south rear corner of the building. There will be no further approvals granted for temporary storage containers after the January 2005 deadline.

Seconded by Commissioner Cisneros

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Nixon	Yes
Chairman Woodruff	No

Majority – C-48-2004 - approved

Commissioner Mills excused herself for the remainder of this public hearing at 6:53 p.m.

CONDITIONAL USE APPLICATION:

C-45-2004

Paul Stingham

3874 West 3500 South

C-2 Zone

1.7 Acres

Mr. Steve Pastorik presented the application.

Paul Stingham is requesting a conditional use permit for a 5,300 square foot grocery market within an existing 10,250 square foot building at 3874 West 3500 South. This property is zoned C-2 (general commercial) and is classified as general commercial or medium density residential in the West Valley City General Plan. Neighboring zones include C-2 (general commercial) to the west and south and RM (residential, multi-family) to the north and east. Surrounding uses include commercial to the west and south and multi-family residential to the north and east.

Issues

Given the noise problems experienced with the Wal-Mart Neighborhood Market, staff was concerned about the proximity of residential use to any condensers on the roof for refrigeration. To address this concern, the applicant submitted a letter from Energy Tech, a company that installs (among other things) refrigeration units. Essentially, the letter states that the condensers would be well below the decibel limit.

In the original conditional use approval for this building (C-3-89) it appears from the plans that a trash enclosure would be installed. However, during a recent site visit by staff, the two dumpsters to the north of the building were not in an enclosure.

Applicant:

Paul Stingham
2535 S. Valley View

Discussion: Commissioner Matheson asked if additional signage would be placed for this site. Mr. Paul Stingham assured the tenant would utilize the pole previously used by Blockbuster to identify his business, but no additional pole signs would be placed. Commissioner Nixon asked what type of market it would be, and was told a Hispanic market. Commissioner Cisneros asked if the applicant had reviewed the staff alternatives. Mr. Stingham replied yes, but questioned if a chainlink fence with slats could be placed around the trash dumpsters. Steve Pastorik explained the City's ordinance requires masonry walls enclose trash dumpsters.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the conditional use for a grocery market subject to the following:

1. Receiving approval from all applicable agencies and other City departments.
2. Constructing a masonry enclosure for both trash dumpsters.
3. Receiving a building permit for any signs prior to their installation

Seconded by Commissioner Matheson

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority – C-45-2004 - approved

C-46-2004

Holiday Oil

4825 West 4100 South

C-1 Zone 1.22 Acres

Mr. Ron Weibel presented the application.

The applicant is requesting conditional use approval for constructing a new building to take the place of an existing convenience store/gas station office. The property is zoned C-1, neighborhood commercial, and the West Valley City General Plan anticipates neighborhood commercial uses on this property. To the west and south are residential uses and zoning, and to the north across 4100 South and east across 4800 West is C-1 zoning and either existing or potential neighborhood commercial uses. The subject property is 1.22 acres.

The current building is approximately 2700 Square feet and would be replaced by a 3000 square foot building. The current building would remain in use until the new building is constructed. The gas pump islands and the existing car wash would not be changed. The new building would meet the criteria of the design guidelines ordinance.

As part of the project, West Valley City Public Works will require dedication of 4100 South to the 40-foot half width as specified in the West Valley City Major Street Plan. The site currently has five access points, one on 4800 West, one on 4850 West and three on 4100 South. Public Works is also recommending closing two of the access points on 4100 South, particularly the one closest to the intersection of 4100 South and 4800 West.

Applicant:

Blain Boeltar

3115 W. 2100 S.

Favored:

Charles Sikes

4171 Blue Jay Street

Discussion: Mr. Blain Boeltar discussed what accesses the City is requesting to be closed. They do not want to change or close the accesses, as it may hinder their business. Mr. Boeltar would like to improve the building similar to what has been done with other Holiday Oil stores. Ron Weibel explained the Planning Commission does not have the authority to decide which accesses are closed, stating it is up to the City's Public Work's Department. Commissioner Nixon asked what the applicant would do if they are required to close the accesses as required by Public Works. The applicant replied they would not build the new building, but keep the business as is. Commissioner Matheson asked if there were any landscaping issues. Ron Weibel replied the current landscaping is adequate. Mr. Charles Sikes discussed traffic and access issues, noting he would like the store to be remodeled and allow the applicant to keep their access. Commissioner Nixon asked why Public Works wants the accesses closed. Ron Weibel explained it was due to potential safety hazards, and the accesses are too close to the intersection, not meeting the City's standards.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for approval subject to the resolution of any issues raised at the public hearing and meeting all requirements of any affected department or agency and the following conditions:

1. Dedication of 4100 South to the standards required by West Valley City Public Works.
2. Closing of accesses on 4100 South as per the requirements of West Valley City Public Works.

Seconded by Commissioner Lang

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority – C-46-2004 – approved

C-47-2004
Azteca Indoor Bazaar
3952 West 3500 South
C-2 6.7 Acres

Mr. Ron Weibel presented the application.

The applicant is requesting conditional use approval for an indoor retail bazaar in an existing shopping center located at 3952 West 3500 South. There is currently an existing Salvation Army outlet, a carpet store, an auto parts store and a discount retail store in the shopping center. This use would go into a space previously occupied by Gold's Gym. The area is zoned C-2 and the West Valley City General Plan anticipates general commercial uses in this area.

The proposed business would operate similar to an indoor swap meet and would sell only new merchandise. Business would be individually owned and there would be food retail as well as merchandise such as clothing, accessories, furniture, house wares, etc. There would be no toxic, flammable or hazardous materials sold, and no alcohol.

The Planning Commission expressed concerns in the study session about the parking lot and the exterior of the building. The parking lot has recently been resurfaced and restriped, and the exterior of the space is stucco similar to the other storefronts of this building but of a different color. Modifications to the exterior can be discussed with the applicant at the public hearing. The required number of trees have not been maintained along the 3500 South frontage and this should be coordinated between the applicant and the property owner to upgrade this landscape area.

West Valley City Building Inspection and Fire Department have some concerns about the interior modifications, particularly relating to emergency exits and the fire sprinkler system. These concerns can be addressed before any building permit is given final approval and before any business license is approved.

Discussion: Ron Weibel assured the applicant had been notified of the public hearing. He explained the applicant is working with the Building and Fire Inspection Divisions regarding issues for this application. Commissioner Lang asked if trees are required for the existing landscape. Ron Weibel said yes, trees are required, but no additional feet of landscaping will be needed. He explained there is not a landscaping plan at this time. Commissioner Nixon asked if one person owned the building. Ron Weibel did not know the answer. Commissioner Nixon suggested islands with trees be placed in the parking lot to help enhance the very large parking lot. Ron Weibel reminded the parking lot has recently been resurfaced and striped. Commissioner Cisneros thinks this type of

application sells the City short. He reminded there is an existing swap meet located down the road from this location. Commissioner Fuller clarified this is a bazaar, not necessarily a swap meet. Ron Weibel assured the items to be sold would be new such as equipment, food, clothing and jewelry. Commissioner Matheson informed that the existing swap meet sells new equipment, some handmade items, and is only open for two days on the weekend. Chairman Woodruff asked if the Commission would have a problem if it was a retail outlet with multiple sellers. The Commission acknowledged that is basically what this type of application is. Commissioner Lang asked if all booths were manned. Commissioner Matheson perceived all booths would be manned.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Nixon moved for a continuance to allow time for the resolution of any issues raised at the public hearing.

Seconded by Commissioner Lang

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority – C-47-2004 - continued

C-49-2004
Village Inn Restaurant
4810 West 3500 South
C-2 Zone – General Commercial

Mr. Kevin Hooper presented the application.

West Valley City's General Plan recommends general commercial land uses.

Introduction:

This conditional use is a request for a new restaurant building. The proposal is also an amendment to create a new pad site on the Shopko Plaza shopping center. The proposal is for a new 4441 square restaurant.

Issues:

- The Planning Commission approved the original Shopko Plaza shopping center in 1989. At that time the Planning Commission approved the shopping center without a pad site on this corner. The addition of a new restaurant and pad site will need Planning Commission approval under the criteria found in the Commercial C-2 zone, new Commercial Design Standards and the Overlay Zone requirements.
- In 1989 when the Shopko Plaza development was approved by the city, the required right of way width for 3500 South was 80 feet. The current West Valley City Major Street Plan designates 3500 South as a 106-foot right of way. Consequently, there is a need for an additional 13 feet of right of way. Sec. 7-2-114 requires new construction to measure all of the required setbacks from the future right of way. This includes the parking lots. The current site plan has not anticipated the additional 13' of right of way and the developer is revising the site plan. Staff feels there are ways in which the parking and building can be moved northward providing the 33' total separation along 3500 South and keep a similar layout. Revised site plans will be available at the public hearing.
- The site plan has 72 vehicle parking spaces. The minimum number of parking spaces required by ordinance based on the restaurant buildings is 58 spaces. This proposal eliminates existing parking but the Shopko has sufficient parking stalls, far in excess of the minimum requirements. The restaurant site plan circulation pattern does not effect the shopping center traffic patterns.
- Pedestrian access is now evaluated as outlined in the Commercial Design Standards ordinance recently enacted. Staff has suggested a raised concrete walkway in the drive aisle between the front door sidewalk and the new sidewalk permitting pedestrian access to 3500 South. There is also a need for a walkway and raised stamped concrete pedestrian access through the parking lot to 4800 West.
- Landscaping has been designated in compliance to the C-2 zone and landscaping ordinance standards. There is 31 % of the current site designated for landscaping where a minimum of 15% is required. The site has existing landscaping and street sidewalk provided with the original Shopko development.
- The newly adopted Commercial Design Standards addresses the quality and architectural design of new commercial buildings. Colored building perspectives and elevations have been submitted and are in compliance with the Commercial Design Standards. We will be working with the developer regarding possible minor revisions such as using similar colors as Shopko.

- Monument signage plans have been submitted. The proposed monument style sign is slightly larger than permitted by ordinance. This monument sign should be designed with similar materials as the building and comply with the sign ordinance regarding size and location.

Applicant:

**Mike Schnagle
900 East 7200 South**

Favored:

**Charles Sikes
4171 Blue Jay Street**

Discussion: Chairman Woodruff inquired of the site plan with the required setbacks. Kevin Hooper assured a new site plan is now available that addresses all of the issues. Commissioner Nixon asked what the restaurant business hours would be, but the developer did not know the answer. Commissioner Matheson questioned if the access on 4800 West would stay open. Kevin Hooper replied the current accesses would not be changed. Commissioner Fuller asked if the applicant was aware of the three staff's alternatives. The applicant assured he was aware of them. Commissioner Matheson inquired if this Village Inn would look similar to the one that has recently been remodeled on State Street. Mr. Schnagle said yes, but this building would have more block, and it would not have a green roof. Mr. Charles Sikes believes this would be a wonderful development for that location. He said there is a great need for more quality restaurants in the City.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Cisneros moved for approval of the conditional use request for a new pad site and restaurant subject to the following:

1. Site revision that include allocating sufficient right of way along 3500 South to comply with the Major Street Plan while also meeting the landscaping standards. Also adding pedestrian walkways in compliance with the Commercial Design ordinance.
2. Façade design that meets the Commercial Design ordinance standards and approved by the Planning Commission.
3. Monument sign meeting the sign ordinance. Signage design to be compatible with the materials and colors of the new building.

Seconded by Commissioner Fuller

Roll call vote:

Commissioner Cisneros	Yes
Commissioner Fuller	Yes
Commissioner Lang	Yes
Commissioner Matheson	Yes
Commissioner Mills	Absent
Commissioner Nixon	Yes
Chairman Woodruff	Yes

Majority – C-49-2004 - approved

C-50-2004

Oscar & Hendrick Garcia

2276 South 2700 West

M Zone

0.47 Acres

Chairman Woodruff informed that at the request of the applicant, this application has been withdrawn, and would not be heard at this public hearing.

PLANNING COMMISSION BUSINESS

Approval of minutes from October 27, 2004 (Regular Meeting)

Approval of minutes from November 3, 2004 (Study Session)

Approved

There being no further business, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant